

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO.: 05-CR-50032-1FL

LAMIEL L. HUNTER,

HON. PAUL V. GADOLA
MAG. JUDGE WALLACE CAPEL, JR.

Defendant.

**ORDER DENYING MOTION FOR
RECONSIDERATION OF BOND AND PRETRIAL RELEASE**

This matter came before the Court for hearing on September 19, 2005, on the defendant's Motion for Reconsideration of Bond and Pretrial Release, filed on August 19, 2005.

The defendant appeared before this Court for his arraignment on June 2, 2005, based upon an Indictment charging him with Possession With Intent To Distribute Fifty Grams Or More Of Cocaine, in violation of 21 U.S.C. § 841(a)(1); and Possession With Intent To Distribute Cocaine Base, in violation of 21 U.S.C. § 841(a)(1). The defendant consented to detention and was subsequently ordered detained. An Order of Detention Pending Trial was entered on June 6, 2005.

The defendant has requested that the order of detention be vacated and that he be released on bond. The reasons cited by the defendant in support of his motion are that he had an identical criminal charge pending in state court which has now been dismissed. He further states that at this time he is no longer incarcerated on any other criminal matters in which he is a defendant. He is currently on pretrial release in state court on a pending possession of cocaine charge. Trial in that matter is

scheduled for October, 2005. The defendant also is on state court probation based upon a conviction of fleeing and eluding.

The government is opposed to the request for bond in this matter. The attorney for the government states that despite the defendant's dismissal of the identical state court charge, the totality of his prior record of convictions coupled with his history of failure to comply with prior court orders should be taken into consideration in this matter.

The Court agrees with the government in this matter. The defendant has exhibited a continued pattern of criminal behavior dating back to 1997. He has a number of prior criminal convictions some of which are for illegal drug activity, as well as for violating the terms of his state court probation. He has also indicated that he has smoked cocaine since 1998, and used marijuana since 1995. Additionally, it appears that the instant offense occurred while the defendant was under the supervision of the Michigan Department of Corrections. I find that based the foregoing information, the defendant has failed to overcome the presumption that there are no conditions or a combination of conditions which can be established to assure the appearance of the defendant as required and the safety to the community.

Accordingly, the defendant's motion for bond is hereby **DENIED**. The Order of Detention previously entered in this matter shall remain in effect.

The defendant is hereby remanded to the custody of the United States Marshal.

IT IS SO ORDERED.

DATED: September 21, 2005

**s/Wallace Capel, Jr. _____
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE**

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2005, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: James C. Mitchell, AUSA, and I hereby certify that I have hand delivered/ mailed by United States Postal Service the paper to the following non-ECF participants: Kevin L. Rush, 934 Church St., Flint, MI 48502, United States Marshal, 600 Church St., Flint, MI 48502, Pretrial Services Officer, 600 Church St., Flint, MI 48502

s/James P. Peltier
James P. Peltier
Courtroom Deputy Clerk
U.S. District Court
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